

By: Davis of Dallas

H.B. No. 3206

A BILL TO BE ENTITLED

AN ACT

relating to treatment of identity theft as a form of exploitation of an elderly or disabled person.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 48.002(a), Human Resources Code, is amended by amending Subdivision (3) and adding Subdivision (11) to read as follows:

(3) "Exploitation" means the illegal or improper:

(A) act or process of using an elderly or disabled person's resources by [act or process of] a caretaker, family member, or other individual who has an ongoing relationship with the elderly or disabled person [using the resources of an elderly or disabled person] for monetary or personal benefit, profit, or gain without the informed consent of the elderly or disabled person; or

(B) act of taking or using an elderly or disabled person's identifying information by any person for personal advantage without the informed consent of the elderly or disabled person.

(11) "Identifying information" has the meaning assigned by Section 32.51, Penal Code.

SECTION 2. The change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurs before the effective date of this Act is

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1 governed by the law in effect at the time the conduct occurred, and
2 the former law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2011.